

Testimony on HB 4613 to Senate Judiciary Committee
Representative Margaret O'Brien
June 11, 2013

Chairman Jones and Committee-

I am Stephanie Bogema, Legislative Director for Representative O'Brien. Representative O'Brien is unable to be here to testify and sends her regrets. Thank you for allowing me to testify today and for your consideration of House Bill 4613. With me is Mia McNeil from Kelley Cawthorne who is representing the Property Management Association of Michigan.

As a real estate agent and former property owner, Rep. O'Brien understands the need to provide safeguards for both tenants and property owners. Before going into the details of the issue, I would like to provide some background on the legislation. House bill 4613 is a re-introduction of HB 4263 that passed the House 106-9 in 2012 and passed the Senate 38-0. The Governor did not sign the bill within the allotted time so it did not become law. Both the Governor and Attorney General had some minor concerns and wished to see some changes in the technical language of the bill. I have worked closely with them, and they are now in support of the bill.

HB 4613 deals with processes on handling the rental unit of a deceased tenant. Once a tenant passes away, the unit cannot return to owner control through normal eviction processes. Often, an estate must be opened, and if a family member does not take responsibility for this, the expense and burden of opening an estate is upon the owner of the property. With this legislation, the goal is to provide proper safeguards for both the tenant and property owner in dealing with this difficult issue. Major highlights of the bill include that
Prior to the owner re-entering the property:

- the owner offered the tenant in writing the opportunity to provide authorized contact person information in the event of death
- current rent is not paid
- the owner believes in good faith the tenant has been deceased for at least 18 days
- the owner makes reasonable attempts to contact the authorized contact person requesting the probate estate be opened
- the owner places on the door a notice of intent to reenter, take possession of the property and to dispose of contents after 10 days
- the owner notifies the county public administrator where the unit is located that the owner believes the tenant is deceased, provides access to the property to the administrator prior to 10 days' notice of content disposal if the administrator desires access
- if the administrator chooses to open an estate, it will be at the expense of the administrator

With the Chairman's permission, I ask that we allow Mia McNeil to offer testimony before taking any questions.
Thank you.